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(LIMDIS)

E.O. 11652: GDS

TAGS: PBOR, PLOS

SUBJECT: U.S. MARITIME BOUNDARIES

1. SUMMARY: ON NOVEMBER 3, 1976, THE USG WILL ANNOUNCE THE LATERAL LIMITS OF ITS FISHERY CONSERVATION ZONE AND CONTINENTAL SHELF IN BOUNDARY AREAS WITH CANADA. USG ACTION HAS BEEN PRECIPITATED BY CANADIAN PUBLICATION ON NOVEMBER 1 OF ITS LIMITS WITH THE U.S. THE TWO ANNOUNCEMENTS CREATE AREAS OF OVERLAPPING CLAIMS, PARTICULARLY IN THE IMPORTANT GEORGES BANK FISHING AREA IN THE GULF OF MAINE. THE PURPOSE OF USG ANNOUNCEMENT IS TO PROTECT ITS RIGHTS AND THOSE OF ITS NATIONALS IN THE AREAS OF OVERLAPPING CLAIMS. THE USG ANNOUNCEMENT IS NOT INTENDED TO INDICATE THE MANNER IN WHICH THE USG WILL HANDLE MARITIME BOUNDARIES WITH OTHER NEIGHBORS, NOR DOES IT DESCRIBE THE OUTER LIMIT OF THE FISHERY CONSERVATION ZONE. FOLLOWING ANNOUNCEMENT AT NOON NOVEMBER 3, INFORMATION IN PARAS. 2-3 MAY BE TREATED AS UNCLASSIFIED FOR USE ON CONTINGENCY BASIS IN ANSWERING GOVERNMENT, PRESS OR OTHER INQUIRIES. END SUMMARY.

2. USG AND CANADA HAVE FOR PAST YEAR BEEN EMBARKED ON LEGAL DISCUSSIONS AND NEGOTIATIONS CONCERNING OUR FOUR LATERAL MARITIME BOUNDARIES: IN THE GULF OF MAINE AREA, IN THE BEAUFORT SEA IN THE ARCTIC, IN DIXON ENTRANCE BETWEEN ALASKA AND BRITISH COLUMBIA, AND OFF THE STRAIT OF JUAN DE FUCA BETWEEN WASHINGTON STATE AND ALASKA. WHILE SOME PROGRESS HAS BEEN MADE, IT HAS NOT BEEN POSSIBLE TO RESOLVE THE MAIN ISSUES, PARTICULARLY THE ISSUE OF JURISDICTION OVER THE NORTHERN ONE-THIRD OF GEORGES BANK IN THE GULF OF MAINE AREA. BEFORE THE GOVERNMENT OF CANADA FOUND ITSELF LEGALLY REQUIRED TO PUBLISH

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THE EXTENT OF ITS FISHERY ZONE. BECAUSE OF THE CANADIAN PUBLICATION OF AN EQUIDISTANT LINE ACROSS GEORGES BANK, AND OTHER LINES WHICH DIFFER FROM U.S. CLAIMED JURISDICTION, THE USG HAS DETERMINED THAT IT IS OBLIGED IN ORDER TO PROTECT ITS LEGAL RIGHTS AND THE RIGHTS OF ITS NATIONALS, TO PUT ITS CLAIM TO ALL OF GEORGES BANK (BASED ON NATURAL PROLONGATION AND SPECIAL CIRCUMSTANCES INCLUDING CONCAVITY OF THE COAST AND COASTAL PROPORTIONALITY) AND ITS CLAIMED OTHER MARITIME BOUNDARIES WITH CANADA ON THE PUBLIC RECORD AT THIS TIME.

3. AS THESE JURISDICTIONAL ASSERTIONS COULD COMPLICATE THE JOINT EFFORT TO FIND A MUTUALLY ACCEPTABLE SOLUTION, THE TWO GOVERNMENTS ARE TAKING MEASURES TO ASSURE THAT THE ASSERTION OF JURISDICTION IN THESE AREAS UNDER NEGOTIATION DOES NOT PREJUDICE THE CONTINUING NEGOTIATION OF A PERMANENT SOLUTION. BOTH GOVERNMENTS ARE COMMITTED TO CONTINUE ACTIVE AND SERIOUS NEGOTIATIONS ON MARITIME BOUNDARIES AND ARE NEGOTIATING INTERIM FISHERIES ARRANGEMENTS.

4. FOR MOSCOW AND NASSAU: THE ANNOUNCEMENT OF THE UNITED STATES FISHERY ZONE AND SHELF BOUNDARIES WITH CANADA DOES NOT REFLECT ANY USG INTENTION UNILATERALLY TO PROCLAIM MARITIME BOUNDARY WITH HOST COUNTRY. CANADA, HOWEVER, HAD LEGAL REQUIREMENT TO PUBLISH BOUNDARY 60 DAYS IN ADVANCE OF JANUARY 1 EFFECTIVE DATE OF ITS FISHERY ZONE AND THAT PUBLICATION CONFLICTED WITH U.S. BOUNDARY POSITION. ACCORDINGLY, USG BELIEVED IT NECESSARY TO PUT ITS POSITION ON RECORD.

5. FOR MEXICO CITY: TODAY'S ACTION IN RESPECT OF CANADA HAS NO BEARING ON MARITIME BOUNDARIES BETWEEN US AND MEXICO. DEPARTMENT AND MEXICAN FOREIGN MINISTRY OFFICIALS HAVE BEEN IN TOUCH WITH VIEW TOWARD EXPEDITING AGREEMENT ON TEXTS OF NOTES TO BE EXCHANGED ON MARITIME BOUNDARIES. USG DOES NOT INTEND TO MAKE PUBLIC POSITION ON MARITIME BOUNDARIES WITH MEXICO BEFORE SUCH EXCHANGE OF NOTES.

6. FOR NASSAU: RECENT CABLES FROM EMBASSY HAVE BEEN VERY HELPFUL IN FOCUSING DEPARTMENT ATTENTION ON US-BAHAMIAN MARITIME BOUNDARY ISSUES. GOB SHOULD BE ASSURED THAT USG WILL NOT PUBLISH COORDINATES OF ITS BOUNDARIES WITH THE BAHAMAS UNTIL SUCH TIME AS AN EFFORT HAS BEEN MADE TO

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RESOLVE THIS MATTER ON A MUTUALLY COOPERATIVE BASIS. FYI-DEPARTMENT IS ACTIVELY STUDYING US BOUNDARY POSITION AND WILL ADVISE YOU OF OUR INITIAL THINKING AS SOON AS POSSIBLE.
-END FYI.

7. FOR MOSCOW: FYI-DEPARTMENT IS BEGINNING DETAILED CONSIDERATION OF BOUNDARY ISSUES WITH USSR WHICH MIGHT ARISE IN CONNECTION WITH A FISHERY AGREEMENT WITH SOVIETS. DEPARTMENT REALIZES IT IS DIFFICULT TO COMMENT WITHOUT BACKGROUND BUT WOULD APPRECIATE ANY EMBASSY VIEWS ON SOVIET THINKING ON US-SOVIET MARITIME BOUNDARIES.-END FYI.
ROBINSON

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